

09/925,184

1127

#### REMARKS

Claims 1-17, 25, and 26 are currently pending in the subject application and are presently under consideration. Applicants' representative acknowledges with appreciation the indication of claim 25 as allowable, and claims 14, 15, 17 as being allowable subject to being recast in independent form and reciting limitations of the base claim and any intervening claims. It is believed such amendments are not necessary at the present time in view of the deficiencies discussed *infra* regarding the cited reference, Trahan *et al.*, and amendment to claim 10 herein. However, applicants' representative reserves the option to recast such claims at a later date if necessary.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### I. Rejection of Claims 1, 2, 5, 6, and 26 Under 35 U.S.C. §102(b)

Claims 1, 2, 5, 6, and 26 stand rejected under 35 U.S.C. §102(b) as being anticipated by Trahan *et al.* (US Patent 5,257,414). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Trahan *et al.* does not teach or suggest the claimed invention.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference. In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting Verdegaa Bros., Inc. v. Union Oil Co., 814 F.2d 628, 631, 2USPQ2d 1051, 1053 (Fed. Cir. 1987)).

The subject invention as claimed relates to a housing configuration for portable electronic devices, which includes **a compartment having a slot** with an ejection mechanism **coupled to the slot**, for accepting (and ejecting) a flash card from **the compartment**. Such aspects of applicants' claimed invention are not taught or suggested by Trahan *et al.* Rather, Trahan *et al.* teaches a subscriber identification module with an ejector knob, integrated into and sealed to a radio telephone. Such ejector knob is employed for removing the SIM chip card **from the SIM chip card reader via** sliding on inclined planes— not **from a slot of a sealed housing compartment as in applicants'**

09/925,184

1127

**claimed invention.** Independent claim 1 recites “a slot adapted to receive a flash card, [...] slot being located in a *compartment* [...], an *ejection mechanism coupled to the slot*.” Also, independent claim 26 recites similar limitations. It is readily apparent that Trahan *et al.* does not teach or suggest such aspects of applicants’ claimed invention.

In view of the at least above comments, it is respectfully requested that the rejection of independent claim 1 (and dependent claims 2, 5, 6), and independent claim 26 be withdrawn.

**II. Rejection of Claims 3 and 4 Under 35 U.S.C. §103(a)**

Claims 3 and 4 stand rejected under 35 U.S.C. §103(a) as being obvious over Trahan *et al.*. Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claims 3 and 4 depend from claim 1, and Trahan *et al.* does not anticipate or render obvious the subject invention as recited in claim 1. This rejection should be withdrawn.

**III. Rejection of Claims 7-13 and 16 Under 35 U.S.C. §103(a)**

Claims 7-13, and 16 stand rejected under 35 U.S.C. §103(a) as being obvious over Trahan *et al.* in view of Petrella *et al.* (US Patent 5,946,395) or Ford *et al.* (US Patent 5,625,688). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claims 7 and 8 depend from independent claim 1, and Trahan *et al.* does not anticipate or render obvious applicants’ invention as recited in claim 1. Independent claims 9, 10 (and dependent claims 11, 12, 13, 16) recite limitations of “a slot adapted to receive”, and an “ejection mechanism”, which as described *infra* with respect to claim 1, are not taught or anticipated by Trahan *et al.* In addition, Petrella *et al.* or Ford *et al.*, alone or in combination fail to make up for the aforementioned deficiencies of Trahan *et al.* Accordingly, withdrawal of this rejection is respectfully requested.

09/925,184

1127

**IV. CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin

Reg. No. 40,894

AMIN & TUROCY, LLP  
24<sup>TH</sup> Floor, National City Center  
1900 E. 9<sup>TH</sup> Street  
Cleveland, Ohio 44114  
Telephone (216) 696-8730  
Facsimile (216) 696-8731

FAX RECEIVED

JUL 21

TECHNOLOGY CENTER